

David H. Kupfer
COOLEY LLP
55 Hudson Yards
New York, NY 10001-2157
Telephone: (212) 479-6000

Michael G. Rhodes (*Pro Hac Vice*)
Angela L. Dunning (*Pro Hac Vice*)
COOLEY LLP
101 California Street, 5th Floor
San Francisco, California 94111-5800
Telephone: (415) 693-2000

Bobby A. Ghajar (*Pro Hac Vice*)
COOLEY LLP
1333 2nd Street
Santa Monica, California 90401
Telephone: (310) 883-6400

Attorneys for Defendant Plaid Inc.

[Full attorney listing on signature page]

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

THE TORONTO-DOMINION BANK,
Plaintiff,
v.
PLAID INC.,
Defendant.

Civil Action No. 1:20-cv-14424-RMB-AMD

**JOINT STIPULATION EXTENDING
TIME TO ANSWER, MOVE, OR
OTHERWISE RESPOND TO
COMPLAINT**

Plaintiff The Toronto-Dominion Bank (“TD”) and Defendant Plaid Inc. (“Plaid,” and together with TD, the “Parties”), hereby agree and stipulate that good cause exists to request an order from the Court extending Plaid’s time to respond to the Complaint.

WHEREAS, on October 14, 2020, TD filed a Complaint for Trademark Counterfeiting, Trademark Infringement, False Designation of Origin, False Advertising, and Unfair Competition under the Lanham Act, 15 U.S.C. § 1051, *et seq.* and New Jersey statutory and common law.

WHEREAS, the Complaint was served on Plaid on October 16, 2020.

WHEREAS, Plaid's response to the Complaint was originally due on November 6, 2020.

WHEREAS, on November 4, 2020, the Honorable Magistrate Judge Joel Schneider entered a stipulated order extending Plaid's deadline to respond to the Complaint to December 7, 2020.

WHEREAS, in view of the holidays and exploratory settlement discussions, the Parties filed a stipulation extending Plaid's deadline to respond to the Complaint to January 29, 2021, which the Court granted.

WHEREAS, the Parties continued to engage in settlement discussions, and filed stipulations extending Plaid's deadline to respond to the Complaint to March 31, 2021, which the Court granted.

WHEREAS, over the past two weeks, the Parties have made progress in their discussions regarding a possible resolution. Conversations between the Parties are still ongoing and the Parties believe that those discussions will conclude – one way or the other – in the next 7-10 days.

If the Parties are able to reach a formal resolution, they will advise the Court of that progress.

If the Parties are unable to reach a resolution by April 14, Plaid expects to move forward with its response.

The Court has granted prior stipulated extension requests, for which the Parties are appreciative. The Parties believe that, in the interest of efficiency and judicial economy, good cause exists to defer Plaid's response deadline by another two weeks, to April 14, 2021.

WHEREAS, this is the fifth extension of time requested by the Parties in this action, and the requested extension will not affect any other dates or deadlines in the case.

NOW, THEREFORE, the Parties, subject to Court approval, hereby stipulate as follows:

1. Plaid's obligation to answer, move to dismiss, or otherwise respond to the Complaint is extended until April 14, 2021;

2. Nothing in this stipulation shall be construed as a waiver of any party's rights or positions in law or equity, or as a waiver of any defenses that Plaid would otherwise have to the Complaint, including, without limitation, jurisdictional defenses.

IT IS SO STIPULATED.

Dated: March 31, 2021

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP

By: /s/ Douglas Rettew

Samuel V. Eichner (Bar No. 902302012)
Douglas A. Rettew (*pro hac vice to be filed*)
Jessica L. Hannah (*pro hac vice to be filed*)
901 New York Avenue, NW
Washington, D.C. 20001-4413
(202) 408-4000 (phone)
(202) 408-4400 (fax)
Email: samuel.eichner@finnegan.com
Email: doug.rettew@finnegan.com
Email: jessica.hannah@finnegan.com

*Attorneys for Plaintiff The Toronto-Dominion
Bank*

Dated: March 31, 2021

COOLEY LLP

By: /s/ David H. Kupfer

David H. Kupfer
55 Hudson Yards
New York, NY 10001-2157
Telephone: (212) 479-6000
Email: dkupfer@cooley.com

Michael G. Rhodes (*Pro Hac Vice*)
Angela L. Dunning (*Pro Hac Vice*)
COOLEY LLP
101 California Street, 5th Floor
San Francisco, California 94111-5800
Telephone: (415) 693-2000
Email: rhodesmg@cooley.com
Email: adunning@cooley.com

Bobby A. Ghajar (*Pro Hac Vice*)
COOLEY LLP
1333 2nd Street
Santa Monica, California 90401
Telephone: (310) 883-6400
Email: bghajar@cooley.com

Attorneys for Defendant Plaid Inc.

[PROPOSED] ORDER

Pursuant to stipulation, **IT IS SO ORDERED.**

DATED: April 5, 2021



HONORABLE MATTHEW J. SKAHILL
UNITED STATES MAGISTRATE JUDGE

247981007 v1